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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,221	06/08/2000	Nobuo Ogata	49899(904)	1363
21874	7590	02/16/2006	EXAMINER	
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			CHU, KIM KWOK	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,221

Applicant(s)

OGATA, NOBUO

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Remarks, filed on 11/22/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/8/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Remarks

1. Applicant's Amendment filed on November 22, 2005 has been fully considered but it is not persuasive.

Applicant states that the prior art of Fuji does not teach structure that can create a wobbling polarity (page 3 of the Remarks, lines 23-26). Accordingly, the prior art of Fuji teaches that "the polarity of the wobble signal at the position of the sample bit is opposite for the land and for the groove" (Figs. 1 and 11; column 13, lines 52-54). In other words, Fuji's sample bit 5 showing a correspondence of a wobbling polarity to a track area as in Applicant's claim 6.

In addition, Applicant states that his invention has no comparable notch bits (such as Fuji's notch bits 5), and is not designed to give positional information with notch bit precision (page 3 of the Remarks, lines 18-21). Accordingly, the prior art of Fuji's notch bits 5 is used to indicate the wobbling polarity of tracks as Applicant's claims because the bit's locations (Applicant's adjustment area) are synchronize with the wobbling of the sidewalls of the lands and the grooves (column 13, lines 55-60).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a
printed publication in this or a foreign country or
in public use or on sale in this country, more than
one year prior to the date of application for
patent in the United States.*

3. Claims 6-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fuji (U.S. Patent 5,852,599).

Fuji teaches a recording medium having all the elements and means as recited in claims 6-8. For example, Fuji teaches the following:

(a) as in claim 6, the recording medium 1 provided with a first track area 9 where one side wall has a land 4' wobbled (Fig. 1);

(b) as in claim 6, a second track area 3 adjacent the first track area 9 (Fig. 1);

(c) as in claim 6, the other side wall 8 at a non-wobbled side in the first track has a land 4 wobbled (Fig. 1);

(d) as in claim 6, the recording medium 1 has an adjusting area 5 owing a correspondence of a wobbling polarity to a track area (Figs. 5a and 5b; column 13, lines 50-61);

(e) as in claim 7, different widths are given to the first track area 9 and second track area 3 in the adjusting

area 5 (Fig. 1; widths of tracks 9 and 3 at position 5 are different); and

(f) as in claim 8, in case that the recording medium 1 is a disk, the adjusting area 5 is provided in at least one of innermost and outermost areas of the disk (Fig. 1; adjusting area 5 exists in the inner track and the outer track).

4. Claims 9-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fuji (U.S. Patent 5,852,599).

Fuji teaches a recording medium having all the elements and means as recited in claims 9-11. For example, Fuji teaches the following:

(a) as in claim 9, the recording medium 1 provided with a first track area 3 where one side wall 4 has a wobbling groove 2 (Fig. 1);

(b) as in claim 9, a second track area 9 adjacent the first track area 3 (Fig. 1);

(c) as in claim 9, the other side wall 8 at a non-wobble side in the first track 3 has a wobbling groove 9 (Fig. 1);

(d) as in claim 9, the recording medium 1 has an adjusting area 5 showing a correspondence of a wobbling polarity to a track area (Figs. 5a and 5b; lines 50-61);

(e) as in claim 10, different widths are given to the first track area 3 and second track area 9 in the adjusting

area 5 (Fig. 1; widths of tracks 3 and 9 at positions 5 are different); and

(f) as in claim 11, a in case that the recording medium 1 is a disk, the adjusting area 5 is provided in at least one of innermost and outermost areas of the disk (Fig. 1; adjusting area 5 exists in the inner track and the outer track).

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

6. response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry. Or:

(571) 273-7585 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application should be directed USPTO Contact Center (703) 308-4357; Electronic Business Center (703) 305-3028.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

Kim-Kwok CHU
Examiner AU2653

kc 2/13/06
February 13, 2006
(571) 272-7585

William Korzuch
WILLIAM KORZUCH
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TECHNOLOGY CENTER 2300